

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KÜHL VENTURES, LLC
Plaintiff,

vs.

ALFWEAR, INC.
Defendant.

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CAUSE NO. 5:13-cv-801

DEFENDANT'S NOTICE OF REMOVAL

Defendant Alfwear, Inc. hereby removes this action from the 73rd Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division, as provided by 28 U.S.C. § 1332, § 1441, and § 1446. Alfwear, Inc. files this Notice of Removal based on the grounds that (1) there is complete diversity of the parties; and (2) the amount in controversy exceeds \$75,000.

INTRODUCTION

1. Plaintiff filed its Original Petition in the 73rd Judicial District Court of Bexar County, Texas (see Exhibit A). Diversity jurisdiction exists between Plaintiff and Defendant because the dispute involves an action in which the Plaintiff, a Texas limited liability company, has sued Defendant, a Utah corporation. Additionally, the case may be removed to Federal Court because the amount in controversy exceeds \$75,000 in value (Exhibit B).

BASIS FOR REMOVAL

2. This Court has original subject matter jurisdiction under 28 U.S.C. § 1332(a). There is complete diversity between the parties. The amount in controversy exceeds \$75,000.

3. According to its Original Petition, the Plaintiff is a Texas limited liability company with its places of business being in Boerne, Texas; Kerrville, Texas; and Fredericksburg, Texas, all within the Western District of Texas, San Antonio Division.

4. Defendant is a Utah corporation. Accordingly, diversity of citizenship exists.

5. Although Plaintiff does not specify any amount of damages requested in its declaratory judgment action, the relief requested exceeds the \$75,000 minimum jurisdictional amount required by 28 U.S.C. § 1332(b).

THE NOTICE OF REMOVAL IS TIMELY

6. This Notice of Removal is timely because Defendant has removed this case within thirty (30) days of service of Plaintiff's petition as provided by 28 U.S.C. § 1446(b).

THE NOTICE OF REMOVAL IS PROCEDURALLY CORRECT

7. Defendant attaches to this Notice all pleadings, process, orders, and all other filings in the state court action as required by 28 U.S.C. § 1446(a). These documents are included as attachments to Exhibit B.

8. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the county in which the removed action has been pending.

9. Defendant is filing a "Notice to State Court of Filing of Notice of Removal" with the clerk of the state court in which the action has been pending (see Exhibit C).

10. For these reasons, Defendant removes this case to the United States District Court for the Western District of Texas, San Antonio Division, and asks this Court to retain jurisdiction over this case. Defendant further prays for all necessary writs to bring before this Court all records and proceedings in the 73rd Judicial District Court of Bexar County, Texas, and further special and general relief to which Defendant may be entitled to receive.

Respectfully submitted,

GUNN, LEE & CAVE, P.C.
300 Convent St., Suite 1080
San Antonio, TX 78205
210-886-9500 (Voice)
210-886-9883 (Fax)

By: 

Ted D. Lee, TSB # 12137700

Miguel Villarreal, Jr., TSB # 24042095

ATTORNEYS FOR DEFENDANT

OF COUNSEL:

Trent H. Baker
Utah State Bar Member ID 08799
Baker & Associates PLLC
470 East Ninth Avenue
Salt Lake City, UT 84103
801-533-4095 (Phone)
801-665-1358 (Fax)
trent@bakeriplaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been sent by Certified Mail, Return Receipt Requested to the attorney listed below on this 30th day of August, 2013:

R. Michael Casseb
Casseb & Casseb
1475 Frost Bank Tower
100 West Houston Street
San Antonio, Texas 78205


Miguel Villarreal, Jr.